

2011 DRAFTING REQUEST

Bill

Received: **09/28/2010**

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Skwarczek**

May Contact:

Drafter: **pkahler**

Subject: **Public Assistance - food stamps**

Addl. Drafters:

Extra Copies: **FFK**

Submit via email: **YES**

Fixed

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Skwarczek, BB0002 -

Topic:

FoodShare benefits for qualified aliens

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/29/2010	wjackson 09/29/2010		_____			State
/P1			phenry 09/30/2010	_____	cduerst 09/30/2010		State
/1	pkahler 01/10/2011	wjackson 01/13/2011	mduchek 01/14/2011	_____	mbarman 01/14/2011		

FE Sent For:

<END>

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DOA:.....Skwarczek, BB0002 -

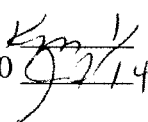
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/?	pkahler	/pl WLj 9/29	9/ 30 ph	9/ 30 ph			
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FE Sent For:

<END>

2011-13 Budget Bill Statutory Language Drafting Request

- Topic: FoodShare Benefits for Qualified Aliens
- Tracking Code: BP 0002
- SBO team: HSI
- SBO analyst: Marta Skwarczek
 - Phone: 267-7980
 - Email: marta.skwarczek@gmail.com
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): Medium

✓

Intent:

Create a new GPR biennial appropriation, 20.435(4)(bp): FoodShare Benefits for Qualified Aliens, for FoodShare benefits paid to qualified aliens as defined under s. 49.79(8).



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0151
PJK:.....

Wlj

DOA:.....Skwarczek, BB0002 - FoodShare benefits for qualified aliens

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

D-note
(in 9-29)

do not gen cat

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS provides benefits under the food stamp program to qualified aliens, unless such benefits are restored by the federal government. Under federal law, a state may, but is not required to, provide food stamp benefits to qualified aliens, and any state that does provide such benefits must pay the whole cost itself. This bill creates a general purpose revenue appropriation to DHS for providing FoodShare benefits to qualified aliens.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.435 (4) (bp) of the statutes is created to read:

3 20.435 (4) (bp) FoodShare benefits for qualified aliens. Biennially, the amounts
4 in the schedule for FoodShare benefits for qualified aliens under s. 49.79 (8).

↓
****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1

(END)

D - note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0151/7dn

PJK:.....

Wlj

Marta:

Be sure to let me know if there are any inaccuracies in the analysis. I did not check to see if there had been any changes to federal law since last session's budget was drafted.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0151/P1dn
PJK:wlj:ph

September 30, 2010

Marta:

Be sure to let me know if there are any inaccuracies in the analysis. I did not check to see if there had been any changes to federal law since last session's budget was drafted.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]
Sent: Monday, January 10, 2011 11:23 AM
To: Kahler, Pam
Subject: RE: BB0002 and BB0003

Pam,
I spoke too soon. Please change BB0002, FoodShare benefits for qualified aliens to eliminate the FoodShare benefits for qualified aliens program entirely.

Thanks.

Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Monday, January 10, 2011 10:13 AM
To: Skwarczek, Marta A - DOA
Subject: RE: BB0002 and BB0003

Marta:

The Foodshare draft can be considered final, as is. It doesn't matter that it is a P1. I will have to take out the four star note in the other one to finalize it. When I do so, I can take out the language that you think is unnecessary.

Pam

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]
Sent: Sunday, January 09, 2011 2:32 PM
To: Kahler, Pam
Subject: BB0002 and BB0003

Pam,
The draft for BB0002, FoodShare benefits for qualified aliens (LRB-0151) looks good and can be finalized. For BB0003, Cemetery, Funeral, and Burial Aids Program, (LRB-0150) I don't think that the change in section 1 lines 5 and 6 "other than administrative activities relating to the cemetery, funeral, and burial expenses program under 49.785," is necessary. However, other than that, I think it looks good and can also be finalized.

Thanks.

Marta Skwarczek
Wisconsin Department of Administration
Division of Executive Budget and Finance
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

1/10/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0151/P

PJK:wlj:ph

stars → run

DOA:.....Skwarczek, BB0002 - FoodShare benefits for qualified aliens

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

D-note
(in 1-10)

1 AN ACT *do not go out*; relating to: the budget.

eliminates the provision of

except to the extent that it is required under federal law

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

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4 in the schedule for FoodShare benefits for qualified aliens under s. 49.79 (8).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)

1

Insert 2-1

D-into

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0151/lins
PJK:.....

INSERT 2-1

1 **SECTION** ~~#~~ 49.79 (8) of the statutes is amended to read:
2 **49.79 (8) BENEFITS FOR QUALIFIED ALIENS.** The department shall not provide
3 benefits under this section to a qualified alien ~~who is ineligible for benefits under this~~
4 ~~section solely because of the application of 9 USC 1612 or 1613 according to a plan~~
5 ~~approved by the federal department of agriculture. This subsection does not apply,~~
6 except to the extent that federal food stamp benefits for qualified aliens are ~~restored~~
7 required by the federal government.

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

(END OF INSERT 2-1)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0151/1dn

PJK:/:....

Wlj

Date

Marta:

From my reading of the federal law, it appears that there may be some exceptions to a qualified alien's exclusion from the food stamp program. Therefore, instead of simply repealing s. 49.79 (8), I amended it to accommodate any exception. Even if it is ultimately decided not to include this draft in the budget, a draft correcting the USC citation in s. 49.79 (8) could be included (the correct citationⁱⁿ is 8 USC 1612 or 1613).

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0151/1dn
PJK:wlj:md

January 13, 2011

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0151/1
PJK:wlj:md

DOA:.....Skwarczek, BB0002 - FoodShare benefits for qualified aliens

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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HEALTH AND HUMAN SERVICES

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3 ~~except to the extent that federal food stamp benefits for qualified aliens are restored~~
4 ~~required by the federal government.~~

5 (END)